

# EMPLOYEE RIGHTS

## UNDER THE FAIR LABOR STANDARDS ACT

THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION

# FEDERAL MINIMUM WAGE IN AMERICAN SAMOA

### BY INDUSTRY

#### FISH CANNING AND PROCESSING AND CAN MANUFACTURING

\$4.76 beginning May 25, 2009 | \$5.26 beginning September 30, 2012

#### SHIPPING AND TRANSPORTATION

*CLASSIFICATION A:*

##### STEVEDORING, LIGHTERAGE, AND MARITIME SHIPPING AGENCY ACTIVITIES

\$5.59 beginning May 25, 2009 | \$6.09 beginning September 30, 2012

*CLASSIFICATION B:*

##### UNLOADING OF FISH

\$5.42 beginning May 25, 2009 | \$5.92 beginning September 30, 2012

*CLASSIFICATION C:*

##### ALL OTHER ACTIVITIES

\$5.38 beginning May 25, 2009 | \$5.88 beginning September 30, 2012

#### TOUR AND TRAVEL SERVICES

\$4.98 beginning May 25, 2009 | \$5.48 beginning September 30, 2012

#### PETROLEUM MARKETING

\$5.35 beginning May 25, 2009 | \$5.85 beginning September 30, 2012

#### CONSTRUCTION

\$5.10 beginning May 25, 2009 | \$5.60 beginning September 30, 2012

#### HOTEL

\$4.50 beginning May 25, 2009 | \$5.00 beginning September 30, 2012

#### RETAILING, WHOLESALING, AND WAREHOUSING

\$4.60 beginning May 25, 2009 | \$5.10 beginning September 30, 2012

#### SHIP MAINTENANCE

\$5.01 beginning May 25, 2009 | \$5.51 beginning September 30, 2012

#### BOTTLING, BREWING, AND DAIRY PRODUCTS

\$4.69 beginning May 25, 2009 | \$5.19 beginning September 30, 2012

#### PRINTING

\$5.00 beginning July 24, 2007 | \$5.50 beginning September 30, 2012

#### FINANCE AND INSURANCE

\$5.49 beginning May 25, 2009 | \$5.99 beginning September 30, 2012

#### PRIVATE HOSPITALS AND EDUCATIONAL INSTITUTIONS

\$4.83 beginning May 25, 2009 | \$5.33 beginning September 30, 2012

#### GOVERNMENT EMPLOYEES INDUSTRY

\$4.41 beginning May 25, 2009 | \$4.91 beginning September 30, 2012

#### MISCELLANEOUS ACTIVITIES

\$4.20 beginning May 25, 2009 | \$4.70 beginning September 30, 2012

#### GARMENT MANUFACTURING

\$4.18 beginning May 25, 2009 | \$4.68 beginning September 30, 2012

#### PUBLISHING

\$5.13 beginning May 25, 2009 | \$5.63 beginning September 30, 2012

The Fair Minimum Wage Act of 2007 (Public Law 110-28) as amended by HR 3940 applies the minimum wage rates shown above to industries in American Samoa. The Act also provides for additional increases in the minimum wage of \$0.50 an hour each year on September 30 (except 2010 and 2011, when no increase will occur), until reaching the minimum wage generally applicable in the U.S.



For additional information:

# 1-808-541-1361



# WWW.WAGEHOUR.DOL.GOV

**OVERTIME PAY** At least 1½ times your regular rate of pay for all hours worked over 40 in a workweek.

**YOUTH EMPLOYMENT** An employee must be at least **16** years old to work in most non-farm jobs and at least **18** to work in non-farm jobs declared hazardous by the Secretary of Labor.

Youths **14** and **15** years old may work outside school hours in various non-manufacturing, non-mining, non-hazardous jobs under the following conditions:

***No more than***

- **3** hours on a school day or **18** hours in a school week;
- **8** hours on a non-school day or **40** hours in a non-school week.

Also, work may not begin before **7 a.m.** or end after **7 p.m.**, except from June 1 through Labor Day, when evening hours are extended to **9 p.m.** Different rules apply in agricultural employment.

**TIP CREDIT** Employers of “tipped employees” must pay a cash wage of at least \$2.13 per hour if they claim a tip credit against their minimum wage obligation. If an employee's tips combined with the employer's cash wage of at least \$2.13 per hour do not equal the minimum hourly wage, the employer must make up the difference. Certain other conditions must also be met.

**ENFORCEMENT** The Department of Labor may recover back wages either administratively or through court action, for the employees that have been underpaid in violation of the law. Violations may result in civil or criminal action.

Employers may be assessed civil money penalties of up to \$1,100 for each willful or repeated violation of the minimum wage or overtime pay provisions of the law and up to \$11,000 for each employee who is the subject of a violation of the Act’s child labor provisions. In addition, a civil money penalty of up to \$50,000 may be assessed for each child labor violation that causes the death or serious injury of any minor employee, and such assessments may be doubled, up to \$100,000, when the violations are determined to be willful or repeated. The law also prohibits discriminating against or discharging workers who file a complaint or participate in any proceeding under the Act.

- ADDITIONAL INFORMATION**
- Certain occupations and establishments are exempt from the minimum wage and/or overtime pay provisions.
  - The law requires employers to display this poster where employees can readily see it.
  - Employees under 20 years of age may be paid \$4.25 per hour during their first 90 consecutive calendar days of employment with an employer.
  - Certain full-time students, student learners, apprentices, and workers with disabilities may be paid less than the minimum wage under special certificates issued by the Department of Labor.